

**BUTTE-SILVER BOW LOCAL GOVERNMENT  
STUDY COMMISSION**

**Minutes of the Meeting  
February 16, 2006  
Butte-Silver Bow Courthouse, First Floor Conference Room**

**Meeting Date:** February 16, 2006

**Time:** 5:30 p.m.

**Place:** Butte-Silver Bow Courthouse, First Floor Conference Room

**Call to Order:** Chairman Bob Worley brought the meeting to order at 5:40 p.m. and called roll with the following results:

**Members Present:** Ristene Hall, Wayne Harper, Dave Palmer, Meg Sharp, Cindi Shaw, Northey Tretheway, Bob Worley, Shag Miller

**Excused Absences:** Tony Bonney and Ron Rowling

**Approval of Minutes:** Bob Worley had a question on Dave Palmer's statement regarding from the minutes of February 2<sup>nd</sup>. Bob Worley read Dave's proposed language, the Council of Commissioners shall maintain by ordinance an city-county Human Resource Department at a minimum this department shall maintain an employee evaluation and job training system. The Human Resource Director will report quarterly to the Council of Commissioners and to the public the success...Bob Worley asked if there was language following success. Meg Sharp replied that she had the language, "requirements". Bob Worley suggested, "system". Bob Worley read the minutes from last week on the language, which read, "on meeting these requirements." The proposed language change had been made to the draft. Bob Worley asked if they should strike from last week's minutes, Dave's comment, "use of vehicles, all day-to-day operations that may change from time-to-time should go under Information Systems and Technology. Dave Palmer replied that it should be struck from the minutes. Bob Worley asked for a motion for approval of February 9, 2006 minutes. Meg Sharp moved and Cindi Shaw seconded to approve the minutes from February 9, 2006. All were in favor and the motion carried.

Cindi Shaw commented to Jennifer Rozinka that part of Article VII of the draft was cut off.

**Comments from Ron Rowling:** Absent

**Citizen's Comments:** None.

**Items Not on Agenda:** Chairman Bob Worley commented on the Focus Show that he, Northey and Shag did discussing the charter draft. It was recorded today and will play back on Sunday, February 26, 2006. Bob Worley visited with Cindi Shaw and Ristene Hall and all three of them are going to do the Party Line show on March 6<sup>th</sup>. Bob Worley spoke with Shag Miller about getting on the Noon television show with Laura Staples about their public hearing. Shag Miller stated that he would work on that.

Bob Worley had a call from Dannette Gleason this week about the IT Department. They want to get together the Land Records, GIS, Budget and Finance and Planning with Jon Sesso. Jon Sesso was out of town or they would have done it earlier. They feel there is a real need for Internet Technology to be a department of its own outside from Budget and Finance. They thought Linda Sajor-Joyce should be the Department Head. This would help control the hardware and software

issues. Dannette stated once she got all of their stuff together, she would call Bob Worley and he could visit with them.

Bob Worley asked about the Advertising and Meg Sharp replied that it is all set up. Shag Miller also replied that he is already to go and has a copy of the schedules.

Bob Worley asked Shag if anyone has seen or read the copy? Shag Miller replied that he is going to write it.

Meg Sharp commented that she is using the same format that was used previously.

Bob Worley discussed the document from Don Robinson on employment. Bob Worley was not sure that Don did what they intended him to do. Don listed employment of non-elected department heads and what they were thinking of were the people employed underneath the elected and non-elected department heads.

Wayne Harper commented that what he thought they were trying to have Don Robinson answer is Bob McCarthy be the supervisor for his appointed and secretarial staff within his department.

Shag Miller asked if that didn't happen already? Wayne Harper replied if the secretary in Bob McCarthy's department is not working out, her grievance and her boss is Paul Babb. What they were saying, if she works for Bob McCarthy, she should have to answer to Bob McCarthy.

Shag Miller replied, even though Bob McCarthy hired her.

Bob Worley visited with Don Robinson on the phone. Don told him if they come up with exactly what they wanted on that issue, he would be more than happy to take a shot at writing the charter language for that.

Bob Worley stated that he would like to defer it to Wayne Harper. He asked Wayne if he would call Don and tell him that is not exactly what they were looking for? Wayne replied that their attorney is Bob McCarthy. Bob Worley stated if they can get Bob McCarthy to write it, he has no problem with that. Bob Worley commented that Bob McCarthy thought they should get some outside help on those two issues.

Wayne Harper volunteered to write it up. Wayne Harper stated for the record that he disagreed that Bob McCarthy said they should go talk to Don Robinson. Wayne thought what Bob McCarthy stated was if they wanted to talk to Don Robinson it would be a good idea. Wayne thought Bob McCarthy felt that Carolyn Ostby already...and they had already paid \$1,050,000 for the same opinion on hiring and firing.

Northey Tretheway commented since that is one of their biggest issues they are crossing, they need to make sure they are covering all the bases they said they were going to. Northey stated that he does not disagree with what Wayne stated about Bob McCarthy but since they have gone as far as they have with it and if it is not going to cost anymore for him to do what they originally asked him to do, he should correct it. Wayne Harper replied that it would cost more. Northey asked what is it costing? Wayne Harper replied \$180.00 an hour.

Wayne Harper asked Bob Worley if he had received the bill yet? Bob Worley replied that he was going to ask Don for a copy of the bill but didn't.

Northey Tretheway replied they should find out what the bill is for before they go back to him again.

Ristene Hall also thought they should find out what they owe Don but also ask him if he would do what they originally asked and if there would be additional costs.

Bob Worley asked if it was still their intention to let Paul Babb hire these people but they would be under the direction of a supervisor or should those people be hiring the people they want to hire?

Shag Miller asked Bob if he was referring to department heads or elected officials.

Bob Worley replied he was referring to the secretaries and administrative staff that are neither department heads or...

Wayne Harper commented the County Attorney gets to appoint his deputies. Wayne commented that he did not think as a commission they had come to a decision on whether it should be Paul that hires or fires or the department heads.

Meg Sharp thought it was Human Resource's job.

Wayne Harper thought the issue they wanted to bring forth to Don was is there a reason legally you could not do it. If that is the case, how does he think it could be worded, within the legal parameters of Montana, so the department heads could hire and fire their own employees?

Shag Miller asked if he was referring to department heads, elected officials or both?

Wayne Harper replied that he was referring to both.

Northey Tretheway commented that he remembered when Judy Jacobsen spoke to them and commented that all those employees are actually not the supervisor's employees, they are under the Chief Executive. They go to the Chief Executive for any administrative requirements. Northey was not sure if they were getting into the hiring being done by the department heads. He thought they were getting into the administrative support being under the department head or supervisor. Northey thought it would have to go through a process through Human Resources. Northey discussed Judge Kambich and how he needed to hire someone. They interview candidates and set up a system...Human Resources was involved in that.

Wayne Harper agreed with Northey and thought they were saying the same thing in two versions. Wayne stated they as a Study Commission have to realize it is going to be the public that is going to decide. Wayne used Bob McCarthy's department as an example and said that they have not decided if they want Bob McCarthy to hire or fire in his department and they have not said if they want Bob McCarthy to be the supervisor of his non-appointed deputies, administrative staff and they have not said if they want the Chief Executive to hire and fire. He thought what they were asking is to have Don give them the parameters so they can know if it could happen that way and once they know that it is required by law that the Chief Executive hires and fires any non-appointed...he thought they were asking to have him tell if they could do it and they will decide on whether they want it done or not. Wayne stated that he is leaning toward at least wanting supervisory control by the department heads.

Northey Tretheway replied it is the same sort of thing, whether it is covered in the charter or not that needs to be governed under HR policy. All they can say is they should develop a policy that governs the hiring and firing within BSB and how you are going to administer employees in the government.

Wayne Harper commented they can throw everything out there but it is up to the voters. The current charter states the Chief Executive hires and fires. It does not say there is a policy.

Shag Miller asked even though the charter addresses that and has since 1974, is there any instances where the Chief Executive put someone in the Treasure's Office, hired that person or fired him/her? Lawsuits?

Wayne Harper replied no lawsuits but he knows department heads that have been very unhappy that their secretary ended up being somebody who is just related to, for example, Jack Lynch.

Ristene Hall commented, that the examples all seem to be for example, it would be Paul Babb that would hire his relatives but they could reverse that. Why wouldn't Bob McCarthy or any other department head just hire their relatives? Is there a way they could go through a hiring process and they have to be qualified?

Bob Worley replied that is what Northey was saying. It should go through the Human Resource Department and there should be policy on how those hirings are done.

Northey Tretheway commented they have to be policies that are based on merit and laws.

Bob Worley commented what he thought they were looking for is to give supervisory control of those people to the department whether he be appointed or non-elected official.

Northey Tretheway thought the language they stated in the charter on what the Chief Executive could do with hiring, in every case they should qualify it by saying "to an HR policy" or something similar to that and make sure there is one established if there is not one currently.

Dave Palmer replied the Fire Department, for example, the charter states there will be a Fire Commission that does all the testing and interviewing. They recommend the top ten applicants to the Chief Executive. However, the charter states, the Chief Executive will hire and fire. Dave commented the Fire Commission may recommend three people but there is nothing preventing the Chief Executive to throw in a fourth person and hire that one.

Meg Sharp asked if it could be someone who had not even applied?

Wayne Harper replied it could be someone...Dave commented it would have to approved by the Council of Commissioners and if they just picked a fourth person who didn't go through the process that is spelled out in the Fire Commission's rules, you would hope the commission would say no.

Bob Worley mentioned information that Northey had e-mailed to him regarding Human Resources and the importance of having some sort of policy in effect. Bob Worley stated it is important to get that right. Bob Worley referred to Section 4.02 (d), the Chief Executive shall appoint with advice and consent of the Council of Commissioners all non-elected department heads.

Northey Tretheway spoke about Bob Worley's comment about them needing to get it right. Northey stated it is not they; it is up to BSB Human Resource people, Chief Executive and the Council of Commissioners. Northey thought they should state they need a policy but writing the policy...it is critical they get it right but they are not going to write the policy that is up to the commission and the personnel people. They need to get it right.

Ristene Hall asked if they could recommend what is in that policy as far as qualifications?

Northey Tretheway thought you could and there might be standard hiring policies out there on discrimination and qualifications, etc. You are not going to write into your policy that you can hire whomever you like. A person is hired based on the standard hiring practices. Northey thought it would be a mistake for them, as a Study Commission to go in and tell them what to include in their policy in case there was a legal problem since we are not HR people. It would be legally binding on them because the charter went against state law or laws out there for hiring practices.

Dave Palmer suggested what could be written into the charter is to take out the section where the Chief Executive has the right to hire and fire all employees. Put in “all hiring and firing personnel shall be done in compliance with Human Resource policies of BSB.

Northey thought was a good way to do it.

Dave Palmer replied that leaves it up to the Council of Commissioners and the HR Department to come up with those policies. If they want to say the hiring and firing will be done by the Chief Executive and that is the policy that is fine.

Ristene Hall asked if Tim Clark would know if there is hiring policy that has not been used?

Wayne Harper commented under 110 law, wrongful discharge act and action employment law, everyone assumes you got fired. If you have an adverse employee effect on any person that applies for a job, has a job or could have got a job.

Wayne Harper commented that it is much more of a Council of Commissioners job and an HR Department’s job to get this done than it is to put it in the charter. Charters should enable a government to run itself not tell a government every “i” and “t” that needs to be dotted or crossed. Wayne commented that they might need Tim Clark back especially with some of the issues they have had on employment.

Northey Tretheway commented that Bob McCarthy has been vocal in statements about the HR function in BSB and it not fulfilling what it needs to fill. BSB ends up getting huge grievances and problems with not having sufficient training.

Ristene Hall thought they don’t need to tell them what to do in the charter. They just need to tell them to follow what is written in the charter. Ristene asked couldn’t the charter tell them to establish policy and follow it?

Wayne Harper replied their job and the job of the charter is to determine the type of government and departments you have. The job of running the government is the Council of Commissioners and the Chief Executive. Employment law is if you have a policy, you have to follow it. It is absolute law in Montana and it is the only state in the union that it is a law. We are the only state in the union with a Wrongful Discharge Act.

Bob Worley asked why we are the only state that has that? Everybody else has “at will” employment.

Everyone thought the Wrongful Discharge Act would help stop all the astronomical lawsuits and the full intent is if you have a claim under the ADA, under the Pregnancy ACT, EOC or any other claims, you are not allowed to break a Wrongful Discharge Act. The intent was to limit a wrongful termination to four-year salary and benefits. That was the full intent that it be four years because people were suing and winning cases saying they would have worked another 22

years. People were saying that needed to have a limit and they added mitigation to get another job. Furthermore, you have the duty to mitigate; you had to look for work, which mirrors unemployment.

Bob Worley asked why the attorney for BSB never brought this up with the wrongful discharge that just took place?

Wayne Harper replied because BSB was dead. The Chief Executive was the one who violated the act. The thing he should have done is say, Paul did it and not BSB.

Bob Worley referred back to Dave's suggestion on removing language from Section 4.02 (d). Dave was talking about the Chief Executive shall have the power to hire and fire all other employees of the local government with the exception of those employees hired by other elected officers. Dave thought they should eliminate that language. Dave suggested the language read, all hiring and firing shall be done in compliance with the policies of BSB Human Resource Department.

Shag Miller commented that takes away the power of the Chief Executive. He did not see anything wrong with the language in Section 4.02 (d).

Wayne Harper asked Shag, Paul should be able to hire Bob McCarthy's secretaries?

Shag Miller replied, it states, with the exception of those employees hire by other elected officers.

Wayne Harper replied that she is not hired by an elected officer. Paul Babb hired her.

Dave Palmer commented Bob McCarthy is allowed to hire one Chief Deputy. That is the one Paul Babb has no say over.

Shag Miller replied in reality, Bob McCarthy is going to be the one hiring his secretary, the Treasurer is going to hire the people under him/her and so forth.

Dave Palmer replied that depends on the Chief Executive.

Bob Worley mentioned department heads that are elected being allowed to hire their own people. They want to funnel it down so it goes through a Human Resource Department.

Shag Miller disagreed and stated the power is to the people that elect the officers. They elect them to do a job. They don't elect Tim Clark.

Ristene Hall thought it would be best to send it through a hiring process through Human Resources. Her reason was if those department heads hire their people, they already know once they are hired, they are there forever. The elected officials may not be there forever so when a new elected official comes in they have to work the previous elected official's friend rather than someone who actually went through the hiring process and got hired because of his/her qualifications. He/she would be more impersonal and do the job for anyone not just for the person who hired him or her.

Bob Worley thought that is what Northey was saying. By going through the hiring process and HR Department, the qualifications and stipulations could all be set up so everyone is judged fairly not judged by who knows who or who is related to who.

Shag Miller did not think it was very practical.

Bob Worley replied except you would have everyone coming off the streets into Bob McCarthy's office saying he/she was looking for a job. He shouldn't be talking to these people about...Shag intervened and stated if that person was going into McCarthy's office and said they were looking for a job and McCarthy has two openings...Bob Worley replied on the other hand, if they have a Human Resource Department that is working properly and McCarthy contacts the HR staff and states that he needs a Secretary or Assistant County Attorney and asks that they put out a job description and advertise for that position.

Shag Miller replied or on the other hand, he addressed to Tim Clark that he has his sister-in-law who lost her husband in a car accident; she needs a job and is very qualified. When the people elect an office to serve as Treasurer, Clerk and Recorder, etc., they are elected to do a job and they should be entitled, as they have historically, to hire the people within their department.

Northey Tretheway replied that he does not disagree but thinks Shag would agree the times BSB has been opening itself up to all sorts of employment suits for one reason or another. It seems like every so many years BSB is getting hit with a suit because BSB is doing like they have over the years. It is not because they are doing it the way that keeps and protects BSB from lawsuits.

Shag Miller replied the thing that motivates the hiring process and also the arbitration in an action is the fact that the unions are involved.

Northey Tretheway commented that Bob McCarthy has told them for the last year that one of the biggest problems they have is BSB not having a HR Department doing what it is supposed to do.

Wayne Harper commented a collective bargaining agreement, if there is a union, takes outside of the "Wrongful Discharge Act" to begin with. It is not in the law there. However, to his knowledge, he does not know of a case in Montana where a collective bargaining agreement is allowed to hire his own employees. The only people they can hire are their officers. Conversely, if you are hired as a teamster for BSB, you are hired by policy, the director or whoever; the union does not hire you. You have thirty-days to join the union and or here no longer hired. That is legal. The hiring is one thing. Whether they are union or not, if it is a job that involves union, you are going through the union collective bargaining agreement to determine who gets that spot. Wayne Harper commented in reality if you have a candidate who has lost a spouse, is qualified and everybody knows him/her, most of the time that person would get the job with or without a policy. That is how the world turns. Wayne mentioned an attorney that got hired that works for him. Wayne stated that he is not the attorney he would have chosen but he turned out to be the best attorney he has had. The process got the best person for the job and he is way better than the guy Wayne wanted to hire.

Wayne Harper discussed with some of his colleagues the language stated in Section 4.02 (d). Everyone replied, devil's advocate and stated a person appointed by the last Chief Executive or the one before them has the job. The new Chief Executive has nothing to say about that. The way that section is written, nobody in the room could argue that because that is what is stated in the charter. Jimmy Johnston was appointed by Don Peoples, and Mike Shea was appointed by Jack Lynch. The charter states that you cannot get rid of them. Wayne agrees with Ristene and Northey that all they really need to say is get a policy, follow it and if the County Attorney does not have authority to get his/her person hired, there will probably be a better person hired or the policy worked. Either way it is a win-win situation. They may not get the person they wanted, they would get the best applicant.

Ristene Hall thought the citizens of BSB would vote for applicants going through a hiring process rather than applicants getting hired by the department heads. She is almost positive the city will vote to have applicants go through a hiring process and eliminate the good old boy system.

Wayne Harper commented the old mentality and approach to stuff has cost BSB millions.

Bob Worley referred back to Section 4.02 (d) and asked if everyone agreed with Dave's suggested language. Bob Worley asked if they are talking about removing the language that states the Chief Executive shall have the power to hire and fire all other employees of local government with the exception of those employees hired by their elected officers?

Northey Tretheway replied that he is in agreement with what Dave suggested.

Dave Palmer repeated the suggested language change stating, all hiring and firing shall be done in strict accordance with the policies of the Human Resource Department.

Wayne Harper suggested the language "strict" be taken out.

Wayne Harper also suggested they add "written" to policies.

The new language for Section 4.02 (d) is as follows: all hiring and firing shall be done in accordance with the written policies of the Human Resource Department. The language, the Chief Executive shall have the power to hire and fire all other employees of local government with the exception of those employees hired by their elected officers was struck from the charter.

Cindi Shaw asked, this is assuming the people will accept the Human Resource Department? That language all hinges on Section 7.06? The people will either take the charter 100% or not at all?

Wayne Harper replied there is already a Personnel Department.

Meg Sharp replied all they did to Section 7.06 is change the title.

End of Tape 1, Side 1

Shag Miller thought they were not improving the situation with the new proposed language in Section 4.02 (d)

Bob Worley replied if he looks at the beginning of 4.02 (d), the Chief Executive should appoint with the advice and consent of the Council of Commissioners all non-elected department heads. The only people they are requesting go through the HR Department are people that will serve underneath the department heads.

Shag Miller replied he knows and that is what he is talking about. He also replied, including the elected officials. Shag stated if you leave in elected officials, he would go along. He thought they were taking away the powers of the elected officials.

Wayne Harper replied, for example, you are elected to be the Treasurer. You want to hire someone for a job opening. Last year, you could not do that. You are the Treasurer that has been elected by a democratic party whether you run on a democratic ticket or not...be Bob McCarthy. You have been elected 32 times, 8 straight four-year terms. Paul Babb or whoever gets elected is



a Republican. He hires your Assistant Treasurer or administrative person for your Treasury Department.

Shag Miller replied the charter states except those employees hired by elected officers.

Wayne Harper replied you do not get to hire them. The only person you could hire is your Chief Deputy. That was Bob McCarthy's point. He does not get to hire, fire or discipline his secretaries.

Ristene Hall asked with that policy, who fires them?

Wayne Harper replied it would follow the policy for terminations.

Bob Worley went one step further in answering Shag's question on elected officials employing their own deputies. Bob referred to Section 5.03, the appointment of deputies. That is where the elected official is protected.

Meg Sharp asked if she could insert the word "other" to Section 4.02 (d) so it would not fight with the opening sentence.

Wayne Harper stated that would be fine. Wayne stated the last sentence, "in accordance with state law" in that section is important. Wayne believed the Wrongful Discharge Act would be leaving Montana and/or is greatly changed. Wayne believes they want commissioners, Bob McCarthy or the HR Department to realize they are not saying "hire or fire" under the charter ever again. They want them to follow the laws that exist.

Northey Tretheway thought that was a good point, "hire or fire" because if it is left out...  
 Bob Worley read the new proposed language for Section 4.02 (d). All other hiring and firing shall be done in accordance with written policy of the Human Resource Department and in accordance with state law.

Northey Tretheway asked if they would still need to go to Don Robinson?

Bob Worley replied probably not for policy.

Wayne Harper replied they have made a decision that they no longer think a department has to hire their own people. They have decided a policy should be in place.

Bob Worley stated that might go in with the suggestions to the Council of Commissioners that any hiring being done for a particular department include that department.

Northey Tretheway thought what was being proposed is something similar to almost all businesses. He stated, if you went to Missoula, they have a personnel policy for hiring and firing and he bets they have a HR Department that helps administer employee handbooks and how you are supposed to go about maintaining...Shag intervened if there is an established personnel policy, a department head or elected officer is going to follow that policy anyway.

Northey Tretheway replied maybe there is one here already. He requested they see what they do have even though they could not change it. The emphasis would be putting that in the charter making sure there is a solid policy. Tim Clark cannot do it all on his own. Northey commented you could go to Missoula and look at their personnel policy and almost copy it word for word.

Bob Worley stated he would check with Tim Clark to see if he has a policy and procedures for hiring and firing.

Wayne Harper commented they could not do anything to prevent another lawsuit from occurring. The language they put in that states, you will follow written policies is law in Montana. It should insulate.

Northey Tretheway replied the responsibility whether there are sufficient people to enforce it or whether there is sufficient detail in the policy. The Council of Commissioners has to be the arbiters of what is necessary to protect BSB from future lawsuits. We will continue to get sued. The question is will BSB win or lose?

Shag Miller stated for the record, in conclusion, he agrees with everybody but thinks that they are emasculating the official.

Bob Worley discussed the other issue with Don Robinson regarding “just cause” and contract employment.

Northey Tretheway stated it could be a recommendation to the council.

Bob Worley clarified Don Robinson’s letter should be referenced through to the Council of Commissioners which states that person could be hired either by contract or fired through “just cause”.

Wayne Harper thought they should make the recommendation.

Northey Tretheway clarified the question, and asked if he wanted that included in the charter or go as a recommendation to the commissioners?

Wayne Harper replied as a recommendation to the commissioners and it should be up to them to decide.

Bob Worley asked Wayne that he thinks they should put a length of term on the contract?

Wayne Harper replied that he thinks they should not have contracts.

Shag Miller asked if School District 1 had contracts?

Northey Tretheway replied only up to tenure.

Shag Miller clarified the question was in regard to the Superintendent of Schools.

Northey Tretheway replied yes.

Bob Worley mentioned Bob McCarthy’s suggestion of them using a contract up to a tenure time of two years.

Wayne Harper commented that currently there is a probation period where one is allowed up to 180 days to have the employee on probation and can fire “at will”. After that probation period, they are either employed or not. If you start going with a three-year contract to determine if the individual would work out and with probationary period, he thinks you would be interfering with state law. There could be the argument that you just made a three-year probation period.

Bob Worley mentioned that Bob McCarthy told them they would want to check into that.

Shag Miller discussed the Evergreen Clause in contracts. Shag stated McCarthy's argument last week was contracts and the lack of job security with them. He also mentioned how it would be difficult to find qualified people to fill contracted positions.

Northey Tretheway thought the question was if a position were under a four-year contract, would you have that many applicants?

Shag Miller replied in the case with City Managers, they go out and find them.

Wayne Harper mentioned Joe Glenn, who was in his opinion, one of the best coaches in Grizzly Football history left for one reason. They were giving a two-year contract as opposed to a three-year contract. He would have stayed under a three-year contract.

Shag Miller replied it is state law that coaches can only be given one-year contracts.

Wayne replied yes. Joe had asked if there was any way to change that and they did not fight for him. Wayne commented at some point, he does not disagree that you would have plenty of qualified applicants for specific jobs. Wayne mentioned Chuck Uggetti, who is a Butte native and wants to stay in Butte, which is a rarity. The last four were there for one reason and that was to move on.

Bob Worley mentioned Bob McCarthy discussing the need for continuity.

There was discussion between Shag Miller and Wayne Harper regarding the difficulty Paul Babb had in hiring a Budget Director.

Wayne Harper discussed the continuity problems that would exist if the Chief Executive were allowed to bring in his/her own cabinet.

Bob Worley clarified that it was Wayne's thoughts they don't have contracted people anywhere in any department.

Wayne Harper replied it was his thought they let the commission decide. He thought they should make a recommendation that they don't follow that. Wayne had spoke to three commissioners and they all agreed and had not thought of that. Wayne told them to ask Dannette Gleason why she didn't take the Budget Director position.

Northey Tretheway thought there was one key element to that. They could make right decisions with contracts, which he thinks should be up to the commission. On the other side of that, there is a polarization in this community where they think the Chief Executive and elected officials should be able to do versus what state law and the elements that can't confide what you want to do, limits you from doing that. Northey thought it would be a difficult maneuver on how they were going to explain this to the public voting on those particular issues.

Ristene Hall mentioned to Northey, the last time they had the public hearing, he did a Power Point presentation for them to follow. She mentioned how she and Cindi were doing Party Line and asked if he would put together something similar?

Northey Tretheway suggested they take language from the original charter and on Power Point or Word document, place the proposed language next to it.

Wayne Harper suggested underneath it, they have a synopsis box explaining the change.

Bob Worley explained all they would need to do then is write up the certificates that are required.

Bob Worley referred to Table 131 and 132.

Shag Miller suggested putting the recommended charter out to the registered voters. He stated they could do that on an 8X5 pamphlet.

Meg Sharp replied that it would be difficult to read.

Bob Worley stated they could have the draft available for people to pick up at the library or courthouse.

Bob Worley asked what they wanted to do with the contract. They have spent money on hiring Don Robinson. He thought if they wanted to make a decision and recommend or not recommend that they use that contract, they could do that. They can explain that they have researched it through Poore, Roth and Robinson with Don Robinson. They can provide the information that Don Robinson came up with and it is something the council can use if they choose to use “just cause” or “non-contracted officials”.

Wayne moved they do not give a recommendation but make it available, for informational purposes, to the Council of Commissioners. Meg Sharp seconded. Bob asked if there was anything on the question?

Shag asked if it was going to be incorporated in the recommendation for ordinance or suggestions they are making? Bob Worley replied it would go into the supplementary report to the Council of Commissioners. All were in favor and the motion carried.

Dave Palmer commented that in the minutes from last week, he opposed on the motion to continue the Study Commission to the November primary versus the June primary.

Dave asked if they could follow up on the Administrative Code ordinance.

Wayne Harper moved to adjourn. Northey Tretheway seconded.

***Date of Next Meeting:*** February 23, 2006

***Adjournment:*** Meeting adjourned at 7:30 p.m.

